

SENATE NO. 1381

AN ACT TO REQUIRE TAGGING OF EXPLOSIVE MATERIALS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 148 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 9A the following section:-

3 Section 9B. (a) The board shall make rules and regulations requiring that all explosive materials
4 manufactured or offered for sale in this commonwealth be tagged for purposes of detection and
5 identification.

6 (b) As used herein the term "explosive materials" shall mean: gunpowders; powders used for
7 blasting; dynamite and all other forms of high explosives; blasting material; fuses (other than
8 electric circuit breakers); detonators and other detonating agents; black and smokeless powders; any
9 explosive bomb, grenade, missile, or similar device; and any chemical compounds, mechanical
10 mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such
11 proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or
12 by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

13 (c) In choosing methods of tagging explosive materials the board shall select the method or methods
14 which achieve the following goals and, in the event of any mutual inconsistency with respect to a
15 particular method or explosive material, shall assign priority to the goals in the order listed: pose the
16 smallest risk to human life; substantially assist law enforcement officers in their investigative
17 efforts; least impair the quality of the explosive material for its intended use; have the least possible
18 impact on the environment; and impose the lowest cost on manufacturers and users of the explosive
19 materials.

20 (d) Any requirement of federal law with respect to the tagging of explosive materials shall
21 supersede any requirement contained in the rules and regulations adopted by the board hereunder.

22 (e) Upon and after the effective date of the rules and regulations adopted pursuant to sub-section (a)
23 of this section, no person shall manufacture or offer for sale in this commonwealth explosive
24 materials which have not been tagged as required by such rules and regulations. Whoever violates
25 this section shall be punished by a fine of not more than ten thousand dollars, or by imprisonment
26 for not more than two and one-half years, or both, and any such untagged explosive materials found
27 in his possession or under his control on such violation shall be forfeited to the commonwealth.

28 SECTION 2. The board of fire prevention regulations shall adopt the rules and regulations required
29 by section 9B of chapter 148 of the General Laws, as inserted by section 1 of this act, no later than
30 one year after the enactment of this act. The board shall conduct public hearings before adopting
31 said rules and regulations in compliance with chapter 30A of the General Laws. Said rules and
32 regulations shall also be governed by the requirements of section 10 of chapter 148 of the General
33 Laws. The board shall consult with federal, state and local officials with expertise in the area of
34 chemicals used to manufacture explosive materials and with any other individuals or groups as the

35 board may choose to consult. The board may apply a tagging requirement to any explosive material
36 or similar material subject to such a requirement under regulations of the United States Secretary of
37 the Treasury.